

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MARK ENGLISH, as owner of the  
2009 Formula 370 Super Sport  
(HIN: TNRD7738K809) Its  
Engines, tackle, Appurtenances,  
Equipment, etc., in a cause of  
exoneration from or limitation of  
liability,

Plaintiff,

v.

Case No.: 2:23-cv-480-SPC-KCD

POTENTIAL UNKNOWN  
CLAIMANTS,

Defendant.

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**ORDER**

Before the Court is Plaintiff's Motion to Approve *Ad Interim* Stipulation and Enter Monition and Injunction. (Doc. 3.) Plaintiff filed a Complaint for Exoneration from or Limitation of Liability regarding a 2009 Formula 370 Super Sport (the "Vessel"), bearing Hull Identification No. TNRD7738K809, pursuant to 46 U.S.C. § 30501, *et seq.* and Supplemental Rule F, for damages, injuries, or fatalities caused by or resulting from an incident occurring on or about September 28, 2022, in the navigable waters of Lee County, Florida (the "Complaint") (Doc. 1.)

The Complaint states the value of Plaintiff's interest in the Vessel at the time of the incident was \$0.00. (Doc. 1.) Plaintiff has filed a Declaration of Value from Michael G. Murray, a special lien claims manager for Progressive American Insurance Company, declaring that the value of the vessel at the time of the incident was \$0.00. (Doc. 1-1.)

The Motion (Doc. 3) is **GRANTED** and it is hereby **ORDERED**:

1. The Court approves the *ad interim* stipulation regarding the value of the Vessel, in the amount of \$0.00, with Plaintiff subject to such increases or decreases in the amount of such *ad interim* stipulation, together with adequate surety, as the Court may from time-to-time order according to the rules and practices of this Court.
2. That if the amount of said *ad interim* stipulation is not contested by any claimant herein, the *ad interim* stipulation shall stand as a stipulation for value and an appraisal by a Commissioner will not be required.
3. That if the amount of said *ad interim* stipulation is contested, any party, including Plaintiff, may move to have the amount of said *ad interim* stipulation increased or decreased, as the case may be, on the filing of the report of the Vessel appointed to appraise the amount or value of Plaintiff's interest in the Vessel and its pending freight, if

any, or upon the ultimate determination by the Court on exceptions to the Commissioner's report.

4. The Clerk is **DIRECTED** to issue the attached notice of monition to all persons asserting claims with respect to which the Complaint seeks exoneration or limitation, admonishing them to file their respective claims with the Clerk of the Court in writing, and to serve on the attorneys for the Plaintiff a copy thereof on or before **August 7, 2023**, or be defaulted, and if any claimant desires to contest either the Plaintiff's right to exoneration from or the right to limitation of liability, any such claimant(s) shall file and serve on Plaintiff's attorneys an answer to the Complaint, on or before said date, unless his claim has included an answer to the Complaint, so designated, or be defaulted.
5. Publication of the aforesaid notice in the form required by Supplemental Rule F(4) be published in a newspaper of general circulation in the Lee County area once a week for four (4) successive weeks prior to the date fixed for the filing of claims, and copies of the notice shall also be mailed in accordance with Supplemental Rule F.
6. The commencement or further prosecution of any and all actions or proceedings against Plaintiff, the Vessel, or other property of Plaintiff with respect to any claims for which Plaintiff seeks exoneration from

or limitation of liability herein, including any claim arising out of, or incident to, or connected with any loss, damage, injury, death or destruction, more fully described in the Complaint, be and they are hereby restrained, stayed, and enjoined until the hearing and determination of this action.

7. Service of this Order as a restraining order may be made through the Post Office by mailing a confirmed copy thereof to the person or persons to be restrained, or to their respective attorneys, or alternatively, by hand delivery.

**ORDERED** in Fort Myers, Florida this July 6, 2023.



Kyle C. Dudek  
United States Magistrate Judge

Copies: All Parties of Record

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

**IN ADMIRALTY**

IN THE MATTER OF:

THE COMPLAINT OF MARK ENGLISH,  
AS OWNER OF THE 2009 FORMULA 370  
SUPER SPORT (HIN: TNRD7738K809 ITS  
ENGINES, TACKLE, APPURTENANCES,  
EQUIPMENT, ETC., IN A CAUSE OF  
EXONERATION FROM OR LIMITATION  
OF LIABILITY,

CASE NO.: 2:23-cv-480-SPC-KCD

Petitioner.

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**NOTICE OF MONITION**

LEGAL NOTICE FOR PUBLICATION. Notice is hereby given that Petitioner MARK ENGLISH (“Petitioner”), as Owner of the 2009 Formula 370 Super Sport bearing HIN:TNRD7738K809 (the “Vessel”), at all times material, has filed a Complaint pursuant to Title 46, United States Code, Section 30501-30512, claiming the right to exoneration from or limitation of liability for any and all claims allegedly resulting from property damage, personal injuries, or death which occurred on or about September 28, 2022, in relation to an alleged incident involving the Vessel. Any and all persons or corporations claiming damage for any and all losses, destruction or damage arising from, or relating to, the matters set forth in the Complaint shall file their claims, and, if contesting the allegations of the Complaint, shall also file an Answer with the Clerk of the United States District Court for the Middle District of Florida, Fort Myers Division, 2110 First Street, Fort Myers, Florida 33901 and serve on or mail to the Petitioner’s attorneys, Hamilton, Miller & Birthisel, LLP, 100 South Ashley Drive, Suite 1210, Tampa, Florida 33602, Tel: (813) 223-1900, Fax: (813) 223-1933, copies thereof on or before August 7, 2023. **FAILURE TO TIMELY FILE A CLAIM**

**AND/OR ANSWER BY AUGUST 7, 2023, MAY RESULT IN THE WAIVER  
OF YOUR RIGHT TO FILE A CLAIM AND/OR ANSWER.**

**DATED:**

Elizabeth Warren, CLERK

By: \_\_\_\_\_  
Deputy Clerk